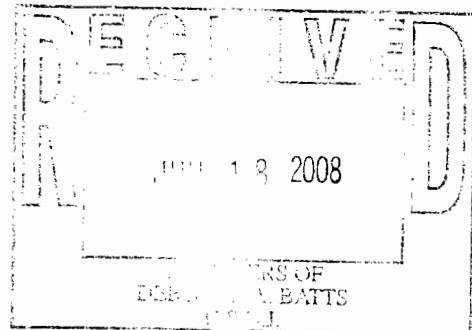


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June 17, 2008

BY HAND

MEMO ENDS

Honorable Deborah A. Batts
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Kramer v. Lockwood Pension Services, Inc., et al.
08-CV-2429 (DAB) (MHD)

Dear Judge Batts:

We represent the plaintiff in the above-entitled matter. Pursuant to Rule I(E) of Your Honor's Individual Practices, plaintiff hereby respectfully requests that its time to respond to defendant Lincoln Life & Annuity Company of New York's ("Lincoln") Motion to Dismiss the Amended Complaint, dated June 3, 2008, be extended up to and including July 11, 2008. Pursuant to Local Rule 6.1 and Federal Rules of Civil Procedure 5(b)(2)(E) and 6(d), plaintiff's response is currently due on June 20, 2008.

No previous requests for an extension have been made, and counsel for defendant Lincoln has consented to the requested extension.

We are, of course, aware of Your Honor's Order, dated June 16, 2008, requiring any party seeking an extension of time to consult with other parties "with a view toward making a joint application." However, Lincoln is the only defendant that has moved to dismiss the Amended Complaint, and, accordingly, the only parties affected by Lincoln's motion and our response to that motion are the plaintiff and Lincoln. Under these circumstances, there are no other parties with whom to coordinate a response date. We trust that our request is therefore in keeping with Your Honor's June 16 Order.

MEMO ENDS

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Honorable Deborah A. Batts
June 17, 2008
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Thank you for your consideration.

Respectfully submitted,

Andrew A. Wittenstein

Andrew A. Wittenstein

cc: Michael J. Miller, Esq. (by fax)
Katherine L. Villanueva, Esq. (by fax)

SO ORDERED

Deborah A. Batts

DEBORAH A. BATTIS
UNITED STATES DISTRICT JUDGE

19 JUN 08

MEMO ENDORSED